

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF OHIO  
WESTERN DIVISION

UNITED STATES OF AMERICA

Plaintiffs

Case No. 3:19-CR-0171 (3)

-vs-

Judge Thomas M. Rose

NATHAN GODDARD, ET AL.,

Defendant

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**ENTRY AND ORDER DENYING DEFENDANT LIONEL COMBS' MOTION  
TO RECONSIDER DETENTION (Doc. 25)**

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This matter comes before the Court pursuant to Defendant Lionel Combs' Motion for the Review of Detention Order (Doc. 25) filed January 17, 2020, pursuant 18 U.S.C. 3145(b), and the Government's Response (Doc. 36) filed February 6, 2020.

The Court convened a hearing on said Motion February 19, 2020. Appearing on behalf of the Government was Assistant United States Attorneys Dominick Gerace, Brent Tabacchi and Erin Claypoole. Appearing on behalf of Defendant Combs was Attorney Kathryn Bowling. Defendant offered exhibits A thru P and R. The Court admitted all exhibits offered without objection.

Defendant Combs argues that his exhibits and proffers offered, through counsel, to the Court overcame any presumption which is found in 18 U.S.C. 3142.

Under 18 U.S.C. 3142(e)(3) there is a statutory presumption that no condition or

combination of conditions will reasonably assure the appearance of the person as required and the safety of the community with respect to individuals charged with serious controlled substances and firearm offenses.

In this case Defendant Combs is charged with five federal offenses. All five of said charges carry the statutory presumption in favor of detention.

On November 14, 2019 a federal grand jury indicted Defendant Combs with conspiracy to possess with intent to distribute and distribute 400 grams or more of fentanyl, 5 kilograms or more of cocaine and marijuana in violation of 21 U.S.C. §§846 and 841(b)(1)(A) and (D); possession with intent to distribute 400 grams or more of fentanyl, 5 kilograms or more of cocaine and marijuana in violation of 21 U.S.C §§841(a)(1) and (b)(1)(A) and (D); two counts of use and discharge of a firearm resulting in death during and in relation to a drug trafficking crime, in violation of 18 U.S.C. §924(c) and (j); and maintaining a drug-involved premises, in violation of 21 U.S.C. §856(a)(I).

Defendant, in light of these charges, faces mandatory minimums of 10 years on four of said charges. The possible maximum on four of the counts is life with two of the charges requiring mandatory consecutive sentencing to any other terms of imprisonment. Two of said counts carry potential death penalties. The fifth count has a maximum penalty of 20 years.

On November 4, 2019 agents of the DEA executed a federal search warrant at 1454 Ruskin Road, Dayton, Ohio. Upon making entry into said residence, DEA Task Force Officer and Dayton Police Department Detective Jorge Del Rio descended the staircase into the basement and was immediately struck by gunfire, which resulted in his death. Agents secured the area and located Defendant Combs, co-defendant Nathan Goddard and Cahke Cortner as well as a fourth individual in the basement. In addition, Agents located two 5.7 caliber pistols as well as 50-60 pounds of

marijuana, over four kilograms of cocaine and approximately \$51,000.

In addressing the rebuttable presumption, counsel for Defendant Combs presented that he resides with his two sons and has lived in Dayton his entire life. Further, Defendant Combs has been employed at Meadows of Catalpa for 12 years, which he can continue, if released. Defendant Combs has a minimal criminal history with no prior felony convictions or crimes involving drugs or violence.

Although Defendant's attributes offered can be viewed as positive, the Court finds they do not rise to the degree that rebuts the presumption of detention.

Additionally, the Defendant Combs, asserting Co-Defendant Goddard has accepted responsibility for the actual shooting and the drugs found in the residence, argues the weight of the evidence against him is not strong. The Court disagrees. As previously indicated, the circumstances in these offenses involve significant amounts of numerous drugs as well as numerous dangerous firearms, one of which resulted in the death of DEA Agent Del Rio. With these factors, individually and collectively, the presumption weighs heavily in favor of Defendant Combs' detention. The Court does find that the weight of the evidence of Defendant's dangerousness is substantial due to the nature and circumstances of the offenses, including the amount of drugs and weapons present and the death of a DEA task force officer.

In light of said presumption and considering the total nature and circumstances of the offenses charged, their seriousness, as well as what appears to be the weight of the evidence against Defendant, the Court finds there are no conditions or combination of conditions that would reasonably assure the appearance of Defendant as required and the safety of the community.

Defendant's Motion to Reconsider Detention (25) is DENIED.

IT IS SO ORDERED.

March 19, 2020

\*s/Thomas M. Rose

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THOMAS M. ROSE, JUDGE  
United States District Court